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March 26, 2002

Mr. William Caton
Acting Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Billed Party Preference for InterLATA 0+ Calls, T-NETIX, Inc. Petition for
Clarification and Waiver, CC Docket No. 92-77

Dear Mr. Caton:

Citizens United for the Rehabilitation of Errants ("CURE") files this letter in lieu of comments in response to the Petition for Clarification and Waiver filed by T-NETIX, Inc. ("T-NETIX") in the above-referenced proceeding. CURE does not oppose T-NETIX's petition.

CURE is dedicated to promoting the rehabilitation of prison inmates, and strongly believes that maintaining ties to family members and communities is crucial to the rehabilitative process. Unfortunately, consumers who need to communicate with family and friends in correctional facilities are generally denied access to competitive telephone services. CURE has been very encouraged by the actions taken by the Commission in this proceeding and in the Prison Payphone Remand proceeding (CC Docket No. 96-128). The Orders issued by the Commission in these two proceedings were steps in the right direction. Naturally, CURE is concerned that any modification or waiver related to these decisions could undermine this progress. Consequently, any request for a clarification or a waiver should be viewed very carefully.

CURE has reviewed the T-NETIX petition and does not oppose it. As the Commission is aware, CURE filed a Petition for Reconsideration of the *First Reconsideration Order*^{1/} in this proceeding in April 1998 to insure that the oral price disclosures, provided to families of inmates, contain accurate rate and surcharge information related. The Commission addressed this concern in the *Second Reconsideration Order* by requiring, at no charge and before connecting any interstate, non-access code operator services call, the disclosure of how to obtain

^{1/} Billed Party Preference for InterLATA 0+ Calls, CC Docket No. 92-77, *Second Report and Order and Order on Reconsideration*, FCC 98-9 (rel. Jan. 29, 1998) ("*First Reconsideration Order*").

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the total cost of the call, or, in certain circumstances, the maximum possible total cost of the call, including any surcharge or premises-imposed fee.^{2/}

In its petition, T-NETIX requests clarification that per-minute rate quotations for a call's duration-based charges are still permissible. Specifically, T-NETIX is concerned that, because of the usage (time-sensitive) components of the charge, it is impossible to determine the total cost of an individual call until after it is completed. T-NETIX's proposed modification would clarify that the term "total cost of the call" means the per-minute rates of the variable components as well as any fixed per call charges, exclusive of taxes. CURE believes that T-NETIX's proposed modification is consistent with the Commission's goals and, accordingly, CURE does not oppose the modification.

T-NETIX also requests a time-limited, temporary waiver of the Commission's rate disclosure rule because immediate compliance would be technically infeasible and unduly burdensome from an economic standpoint.^{3/} CURE believes that such waivers should only be granted in limited circumstances where the provider has set forth a specific plan to come into compliance in a realistic and expedited manner. In this instance, T-NETIX has committed to a "definitive, targeted and expeditious plan to complete the upgrade."^{4/} With that condition attached, such a waiver for a limited time period not to exceed 18 months would provide for T-NETIX's compliance with the rule in the most technologically advanced manner possible. Accordingly, CURE does not oppose T-NETIX's proposed temporary waiver.

Requested clarifications and/or waivers of the Commission's rules related to inmate phone services should be carefully scrutinized. In this limited instance, however, adoption of the clarifying modification and the waiver do not appear to undermine the purpose of the rule. Accordingly, CURE does not oppose T-NETIX's request for clarification or temporary waiver. If you have any questions, please feel free to contact the undersigned.

Sincerely,

/s/ Christopher R. Bjornson

Robert E. Stup, Jr.

Christopher R. Bjornson

Counsel for Citizens United for the
Rehabilitation of Errants

^{2/} Billed Party Preference for InterLATA 0+ Calls, CC Docket No. 92-77, *Second Order on Reconsideration*, FCC 01-355, ¶ 25 (rel. Dec. 12, 2001) ("*Second Reconsideration Order*").

^{3/} See 47 C.F.R. § 64.710.

^{4/} T-NETIX Petition at 11.

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